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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : RONALD A. SCHACHAR  
Serial No. : 09/940,722  
Filed : August 27, 2001  
For : SCLERAL PROSTHESIS FOR TREATMENT OF PRESBYOPIA  
AND OTHER EYE DISORDERS  
Group No. : 3738  
Examiner : David H. Willse

MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R37000

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Response to Restriction Requirement;
2. A postcard receipt;

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 15, 2004.

Date: 4/15/04

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Date: April 15, 2004

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**RESPONSE TO RESTRICTION REQUIREMENT**

A Restriction Requirement was mailed in the present patent application on March 15, 2004 with time period for response ending on April 15, 2004.

In response to the Restriction Requirement, the Applicants provisionally elect the claims of Species I, Figures 6-8, as a single discloses species for prosecution on the merits to which the claims shall be restricted in no generic claim is finally held to be allowable.

The Restriction Requirement identifies the following species of the claimed invention:

Species I: Figures 6-8.  
Species II: Figures 9-10.  
Species III: Figures 11-13.

Species IV:            Figures 14-16a.

Species V:            Figures 16b.

Species VI:           Figures 17-20.

Species VII:          Figures 21-23.

Species VIII:         Figures 24-27.

In response to the Restriction Requirement, the Applicant:

- (1) Elect the species represented by the Species I (Figures 6-8); and
- (2) Submit the following listing of claims readable thereon:

1. (Previously presented) An ocular scleral prosthesis comprising  
an elongated body adapted to be implanted in an elongated pocket surgically formed  
within scleral tissue of an eye, said pocket being formed in the zone of the globe of said eye exterior  
to the ciliary body and extending generally circumferentially of said zone for a predetermined length,  
said pocket having a base comprised of inner layers of said scleral tissue, a flap  
formed from outer layers of said scleral tissue, an anterior margin and a posterior margin,  
said elongated body having a first surface and a second surface opposite said first  
surface, said first surface and said second surface being adapted to contact said base and said flap  
of said scleral pocket,  
said first surface and said second surface being separated by a distance sufficient to  
elevate said flap and exert outwardly directed traction on at least said anterior margin of said pocket.

61. (Previously presented) A prosthesis adapted for contact with the sclera of an eyeball,  
said prosthesis comprising:  
an elongated body having a first end, a second end, a first surface and a second  
surface, said first surface and said second surface being adapted to contact said sclera, and  
means for expanding said contacted sclera to increase the effective working distance  
of the ciliary muscle of the eyeball.

62. (Original) The prosthesis set forth in Claim 61 wherein said expanding means is  
one of a ridge and a crest.

63. (Previously presented) The prosthesis set forth in Claim 61 wherein one of said first surface and said second surface is generally smooth and is adapted to contact ocular tissue within a pocket surgically formed within the sclera of the eyeball.

64. (Previously presented) The prosthesis set forth in Claim 61 wherein said prosthesis is one of generally rectangular, curved, and elongated.

65. (Previously presented) The prosthesis set forth in Claim 61 wherein one of said first surface and said second surface comprises an anterior edge and a posterior edge, and said expanding means has a maximum height above said elongated body of one of: (i) intermediate between said anterior edge and said posterior edge, (ii) less than halfway from said anterior edge to said posterior edge, and (iii) at said anterior edge.

66. (Original) The prosthesis set forth in Claim 61 comprises a planform having a first dimension and a second dimension.

67. (Original) The prosthesis set forth in Claim 66 wherein one of said first surface and said second surface is planar.

68. (Original) The prosthesis set forth in Claim 66 wherein said expanding means extends along at least a portion of said first dimension.

69. (Previously presented) The prosthesis set forth in Claim 66 wherein one of said first dimension is about five (5) millimeters and said second dimension is about two (2) millimeters.

70. (Original) The prosthesis set forth in Claim 61 wherein said prosthesis is made of one of a physiologically acceptable metal, a ceramic material, a synthetic resin, a reinforced composite material, and a flexible material.

[ Claims 71-73 are not readable on Species I ]

74. (Previously presented) A prosthesis for surgical implant into a pocket in the sclera of an eyeball, said prosthesis comprising an elongated body having a first end, a second end, a first surface and a second surface, said first surface and said second surface being adapted to contact said sclera, said implanted prosthesis configured to apply an outward force on said scleral pocket to elevate the portion of the sclera attached thereto to increase the effective working distance of the ciliary muscle of the eyeball.

75. (Original) The prosthesis set forth in Claim 74 wherein said base further comprises an outer surface that is generally smooth and is adapted to contact ocular tissue within the scleral pocket.

76. (Previously presented) The prosthesis set forth in Claim 74 wherein said elongated body is one of generally rectangular, curved, and elongated.

77. (Original) The prosthesis set forth in Claim 74 wherein one of said first surface and said second surface comprises an anterior edge and a posterior edge, and said prosthesis has a maximum height above said base of one of intermediate between said anterior edge and said posterior edge, less than halfway from said anterior edge to said posterior edge, and at said anterior edge.

78. (Original) The prosthesis set forth in Claim 74 comprises a planform having a first dimension, a second dimension, an inner surface and an outer surface.

79. (Original) The prosthesis set forth in Claim 78 wherein one of said first surface and said second surface is planar.

80. (New) A scleral prosthesis comprising a body adapted for contact with the sclera of an eye in the region of the ciliary body, said body having a first end, a second end and a ridge, said ridge having a prescribed shape operating to exert a force with respect to the contacted eye to expand the sclera in the region of the ciliary body.

81. (New) The scleral prosthesis set forth in Claim 80 wherein said prescribed shape exerts a force with respect to the eye to increase the working distance of the ciliary muscle of the eye.

82. (New) The scleral prosthesis set forth in Claim 80 wherein said prescribed shape exerts a force with respect to the eye to increase the amplitude of accommodation of the eye.

83. (New) The scleral prosthesis set forth in Claim 80 wherein said body further has an outer surface that is adapted to contact ocular tissue within a pocket surgically formed within the sclera of the eye.

84. (New) The scleral prosthesis set forth in Claim 80 wherein said prosthesis is one of generally rectangular, curved and elongated.

85. (New) The scleral prosthesis set forth in Claim 80 wherein said body further has a base having an anterior edge and a posterior edge.

86. (New) The scleral prosthesis set forth in Claim 85 wherein said base further comprises a planform having a first dimension, a second dimension, an inner surface and an outer surface.

87. (New) The scleral prosthesis set forth in Claim 86 wherein said outer surface of said base is planar.

88. (New) The scleral prosthesis set forth in Claim 86 wherein said ridge extends along at least a portion of said first dimension of said base.

89. (New) The scleral prosthesis set forth in Claim 86 wherein one of said first dimension is about five millimeters and said second dimension is about two millimeters.

90. (New) The scleral prosthesis set forth in Claim 80 wherein said prosthesis is made of one of a physiologically acceptable metal, a ceramic material, a synthetic resin, a reinforced composite material and a flexible material.

[ Claims 91-93 are not readable on Species I ]

94. (New) A scleral prosthesis comprising a body adapted for contact with the sclera of an eye in the region of the ciliary body, said body having (i) a base member having an elongated planform with a major dimension, a minor dimension, an inner major surface and an outer major surface, said body being adapted to contact ocular tissue of the eye in the region of the ciliary body, and (ii) a ridge member on said base member that applies a force to the pocket to thereby expand the sclera in the region of the ciliary body.

95. (New) The scleral prosthesis set forth in Claim 94 wherein said ridge member exerts a force with respect to the eye to increase the working distance of the ciliary muscle of the eye.

96. (New) The scleral prosthesis set forth in Claim 94 wherein said ridge member exerts a force with respect to the eye to increase the amplitude of accommodation of the eye.

97. (New) The scleral prosthesis set forth in Claim 94 wherein said outer surface is adapted to contact ocular tissue within a pocket surgically formed within the sclera of the eye.

98. (New) The scleral prosthesis set forth in Claim 94 wherein said prosthesis is one of generally rectangular, curved and elongated.

99. (New) The scleral prosthesis set forth in Claim 94 wherein said body further has a base having an anterior edge and a posterior edge.

100. (New) The scleral prosthesis set forth in Claim 80 wherein said outer surface of said base is planar.

101. (New) The scleral prosthesis set forth in Claim 80 wherein said ridge member extends along at least a portion of said first dimension of said base member.

102. (New) The scleral prosthesis set forth in Claim 80 wherein one of said first dimension is about five millimeters and said second dimension is about two millimeters.

103. (New) The scleral prosthesis set forth in Claim 80 wherein said prosthesis is made of one of a physiologically acceptable metal, a ceramic material, a synthetic resin, a reinforced composite material and a flexible material.

[ Claims 104-106 are not readable on Species I ]

**SUMMARY**

If any issue arises, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: \_\_\_\_\_

*April 15, 2004*



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